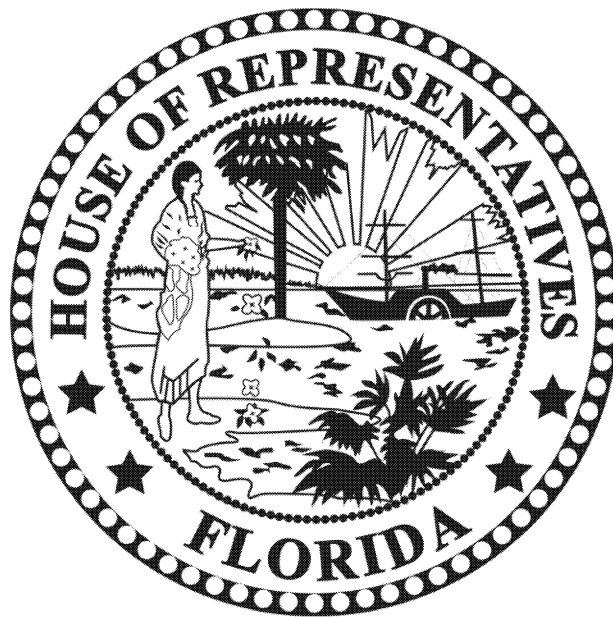


FLORIDA HOUSE OF REPRESENTATIVES

2005

SPECIAL SESSION "B" SUMMARY



ALLAN G. BENSE, SPEAKER

DECEMBER 5-9, 2005

2005B LEGISLATIVE SPECIAL SESSION END OF SPECIAL SESSION REPORT

This report was compiled by the staff of the Florida House of Representatives upon completion of the 2005B Legislative Special Session. This information is intended to provide Florida legislators and their constituents with a summary of the bills that passed “both” legislative chambers. This document is not an in-depth description of the bills noted.

For your convenience, an “Index of Passed Legislation” is included in the back of this report. The index is presented in bill number order. This index also serves as a “Cross Reference Index,” which identifies bills passed as components of other bills. As you review this index it will become evident that a House bill number may be listed under a Senate bill number or vice versa, indicating that each bill contains all or a portion of another bill.

The complete text of the bills included in this report and a section-by-section analysis of each bill can be found by accessing the following website:

House Bills: www.myfloridahouse.gov

The website includes both the current (or latest) version of a bill or analysis and all earlier versions.

- **The version of a bill that passed both chambers and is presented to the Governor is referred to as “Enrolled.”**
- **This is the version of the bill that has, or will, become law unless vetoed.**
- **Earlier versions of the bill do not reflect the exact language as passed by both chambers.**

It should be noted that at the time of publication of this report, December 13, 2005, some acts have not been presented to the Governor and the time allotted for the Governor to approve or veto an act has not expired. Therefore, some acts identified as “passed” by both chambers may not have become law. To verify the status of acts passed by the Legislature, visit the Legislature’s website or call the Division of Legislative Information at 1-800-342-1827.

HOUSE OF REPRESENTATIVES

Commerce Council

**Representative Frank Farkas, Chair
Representative Dick Kravitz, Vice Chair**

2005 SPECIAL SESSION B SUMMARY OF PASSED LEGISLATION



Business Regulation Committee

**Representative Frank Attkisson, Chair
Representative Kenneth Allan "Ken" Gottlieb, Vice Chair**

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Business Regulation Committee

HB 1B – Slot Machine Gaming

By Business Regulation; Attkisson

Tied Bills: None

Iden./Sim Bills: SB 4B

Committee(s) of Reference: Commerce Council; Fiscal Council

This bill implements Article X, Section 23 of the State Constitution which authorized, contingent upon voter approval in a local referendum, the operation of slot machines at certain existing pari-mutuel facilities in Broward and Miami-Dade Counties.

The bill authorizes Class III Las Vegas-style slot machines, limits the number of machines that may be operated at a facility to no more than 1,500 per facility, and imposes a flat tax of 50% on slot machine revenue. Taxes are remitted weekly and will be used to supplement public education funding statewide.

Slot machine gaming may be conducted up to 16 hours per day year-round. Players must be at least 21 years of age. The bill prohibits progressive games whereby slot machines in one or more facilities are linked and offer higher jackpots and requires the payout rate per machine to be no less than 85 percent. The bill authorizes the division to contract with an independent testing laboratory to ensure slot machines are operated in accordance with these and other requirements of this act.

The bill establishes the regulatory framework for all entities involved in the operation of slot machine gaming with regulatory responsibility placed in the Division of Pari-mutuel Wagering in the Department of Business and Professional Regulation. All regulation of slot machine gaming is preempted to the state. The bill allows the issuance of a temporary license to an eligible facility which enables the facility to begin operation six months after the effective date of the bill if no rules have been adopted allowing for the issuance of a license within the six month period after the bill's effective date. The temporary license will remain effective during any challenge to the rules.

The bill provides for a significant law enforcement presence through the Florida Department of Law Enforcement and local law enforcement agencies.

The bill requires that there be a binding written agreement on file with the division that provides for the payment of thoroughbred purses, breeders', stallion, and special racing awards.

The bill requires the division to contract with a private provider for a compulsive gambling prevention program and funds the program through an annual \$250,000 fee assessed each slot machine licensee.

The Revenue Estimating Conference has preliminarily estimated that the provisions of this bill would generate state revenues of approximately \$209 million in FY 2007-08. The conference assumed no revenues would be collected in FY 2005-06 and assigned an indeterminate impact in FY 2006-07. The conference estimates that the provisions of

the bill would have a negative \$3.3 million impact on local government revenue collections.

Estimated regulatory costs total \$6,344,700 in FY 2005-2006, with annualized recurring costs estimated at \$8,490,007. Due to an anticipated lag in the receipt of license fees compared to start-up costs for the regulatory program, the bill authorizes the division to expend the unencumbered cash from non-slot revenues in the Pari-mutuel Wagering Trust Fund and provides for repayment of those revenues.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

SB 18B – Florida Minimum Wage Act

By Alexander

Tied Bills:

Iden./Sim Bills: HB 29B

Committee(s) of Reference: Commerce and Consumers Services

On November 2, 2004, the voters approved Constitutional Amendment 5 (hereinafter referred to as "amendment"), creating a state minimum wage effective six months after the date enacted by the voters. This new state minimum wage took effect on May 2, 2005. The amendment sets the wage at \$6.15 per hour and provides for annual adjustments. The amendment prohibits retaliation against persons exercising rights under the amendment and provides an extensive set of remedies. Although, according to the terms of the amendment, "implementing legislation is not required to enforce this amendment," the amendment does authorize the Legislature to "adopt any measures appropriate for the implementation of this amendment."

This bill incorporates provisions from the amendment and supplements those with statutory provisions in creating a new act entitled the "Florida Minimum Wage Act." The bill accomplishes the following:

- In accordance with the opinion of the Florida Supreme Court in the ballot review case, the bill limits the state minimum wage to employees eligible to receive the federal minimum wage; it also incorporates by reference sections 213 and 214 of the federal Fair Labor Standards Act relating to the employment of workers with disabilities;
- It codifies the use of the U.S. Consumer Price Index for the South Region by the Agency for Workforce Innovation (AWI) as the applicable index for determining the annual adjustments to the state minimum wage;
- It provides direction to the agencies for providing notice of the adjusted state minimum wage;
- It requires employees to notify employers and give them 15 days to resolve any claims for unpaid minimum wages before filing suit;
- It limits damages to those specified in the amendment, includes a good faith limitation on the amount of liquidated damages, and imposes certain measures pertaining to class action suits; and
- The bill restricts the authority of the AWI, to that expressly provided for in the amendment and expressly authorized by the Legislature.

The fiscal impact of the bill on state and local government is minimal and results from the means of publication specified to carry out the publication requirement in the amendment. The AWI estimates the fiscal impact to be \$168,129 for FY 2006-07 for employer notification responsibilities. However, AWI would only be required to implement these responsibilities to the extent funded in the General Appropriations Act. Any fiscal impact resulting from the increase in the state minimum wage results from the amendment, not this bill.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HOUSE OF REPRESENTATIVES

Fiscal Council

Representative Joe Negron, Chair
Representative Frederick C. "Fred" Brummer, Vice
Chair

2005 SPECIAL SESSION B SUMMARY OF PASSED LEGISLATION



Finance & Tax Committee

Representative Frederick C. "Fred" Brummer, Chair
Representative John K. Stargel, Vice Chair

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Fiscal Council

HB 41B – Judges

By Representative Goodlette and others

Tied Bills: None

Iden./Sim Bills: SB 14B

Committee(s) of Reference: Fiscal Council

This bill creates two new circuit court judgeships for the Twentieth Judicial Circuit and two new county court judgeships for Collier County. The judgeships must be filled by an appointment by the Governor. The judgeships take effect on January 2, 2006.

Additionally, the bill authorizes nine full-time equivalent positions for the courts and two full time equivalent positions for the Office of the State Attorney for the Twentieth Judicial Circuit.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

Finance & Tax Committee

HB 15B – Ad Valorem Property Tax Payment Discounts

By Hasner

Tied Bills:

Iden./Sim Bills: SB 10B

Committee(s) of Reference: Finance & Tax and Fiscal Council

Under current law, property taxes are due and payable in November and are delinquent on April 1st of the following year. Taxpayers are given an early payment discount on their property tax bills depending upon when the payment is made. Under this bill, a county which was declared a major disaster area approved for individual assistance by the President of the United States may, by emergency ordinance, authorize any or all of the following discount periods:

- Four percent for taxes paid by January 31, 2006,
- Three percent for taxes paid by February 28, 2006, and
- Two percent for taxes paid by March 31, 2006.

The tax collector is directed to implement any discount periods so authorized.

These discount periods will not apply to payments made on behalf of taxpayers by “the holder or mortgagee of an unsatisfied mortgage, lienholder, or vendee under a contract for deed.”

The bill also provides that there is no requirement to mail out new tax notices if the tax notices have been mailed before the adoption of these discount periods. Instead, a notice published in a local newspaper and posted in the offices of the tax collector shall be deemed sufficient notice.

The provisions of the bill are repealed on April 1, 2006.

The fiscal impact of this bill is limited to local governments and is indeterminate because it is a local option. If all eligible counties were to authorize all the discount points, the fiscal impact on local governments is estimated to be negative \$47.0 million.

Subject to the Governor’s veto powers, this bill takes effect upon becoming law.

HB 31B – Specialty License Plates

By Patterson and others

Tied Bills:

Iden./Sim Bills: SB 16B

Committee(s) of Reference: Finance & Tax, Fiscal Council

HB 31B creates the "NASCAR" specialty license plate, and establishes an annual use fee of \$25, to be paid by purchasers of the plate in addition to license taxes and fees. The authorization of the NASCAR license plate is contingent upon the City of Daytona

Beach being designated by the National Association for Stock Car Auto Racing, Inc., as the site for the official NASCAR Hall of Fame.

Also, the creation of the NASCAR license plate is contingent upon the NASCAR Hall of Fame, Inc. meeting the requirements of s. 320.08053, F.S., prior to approval of a license plate by the Department of Highway Safety and Motor Vehicles.

The bill provides for the distribution of annual use fees to the NASCAR Hall of Fame, Inc., to be used exclusively for the construction and operation of the NASCAR Hall of Fame.

The fiscal impact of this bill is indeterminate.

Subject to the Governor's veto powers, the effective date of this bill is 30 days after the City of Daytona Beach is designated by the National Association for Stock Car Auto Racing, Inc., as the site for the official NASCAR Hall of Fame facility.

HOUSE OF REPRESENTATIVES

Health & Families Council

**Representative Anna Holliday "Holly" Benson,
Chair**

Representative Ed Homan, Vice Chair

2005 SPECIAL SESSION B SUMMARY OF PASSED LEGISLATION



Health Care Regulation Committee

**Representative Rene Garcia, Chair
Representative Eleanor Sobel, Vice Chair**

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Health Care Regulation Committee

HB 3B – Medicaid

By Benson and others

Tied Bills: None

Iden./Sim Bills: CS/SB 2B

Committee(s) of Reference: Health Care Regulation; Fiscal Council; Health & Families Council

HB 3B gives the Agency for Health Care Administration (AHCA) authority to implement Medicaid reform initially in Broward and Duval counties as required by CS/CS/SB 838 (ch. 2005-133, L.O.F.) and as specified in the waiver application and in the special terms and conditions approved in October 2005 by the federal Centers for Medicare and Medicaid Services. The bill also amends various statutes related to implementation of the Medicaid capitated managed care pilot program.

The bill:

- Requires Medicaid provider service networks and federally qualified health centers to comply with certain federal solvency requirements, rather than state solvency requirements for HMOs.
- Modifies the duties of the existing Medicaid Disproportionate Share Council to require the Council to use specified objectives in making recommendations regarding development of the low-income pool plan; requires AHCA to ensure fair representation in the membership of the Council; requires submission of recommendations by March 1, and repeals the Council June 30, 2006 unless saved through reenactment by the Legislature.
- Requires AHCA to create a 17 member Medicaid Low-Income Pool Council by July 1, 2006. Specifies membership and duties of Council; establishes objectives for the distribution of low-income pool funds; and requires submission of recommendations by February 1 annually regarding the low-income pool which will replace the upper payment limit (UPL) program for safety-net hospitals.
- Allows current capitated prepaid behavioral health care programs to continue in non-pilot counties and allows for participation by federally qualified health centers.
- Facilitates the establishment of provider service networks by eliminating the requirement that contracts for provider service networks be competitively bid.
- Allows minority physician networks and emergency room diversion programs that meet reform requirements to become provider service networks.
- Allows statewide expansion of the pilot program in accordance with the process specified in the special terms and conditions as approved by the federal government on October 19, 2005 with a goal of full statewide implementation by

June 30, 2011. Statewide phase-in to additional counties requires legislative review and approval.

- Authorizes AHCA to seek options to make direct payments for graduate medical education costs to hospitals and physicians associated with state medical schools.
- Requires provider service networks in the pilot areas that are paid on a fee-for-service basis to continue sharing savings with the state as they transition to managed care plans in the pilot areas.
- Requires that the Department of Health's Children's Medical Services Network be included in the network of managed care plans in the pilot areas to the extent possible.
- Establishes detailed standards for managed care plan compliance, including quality assurance, patient satisfaction, performance standard reporting and patient encounter reporting requirements.
- Establishes detailed requirements to minimize the risk of Medicaid fraud and abuse in all plans operating in the Medicaid managed care pilot program.
- Allows federally qualified health centers to be reimbursed for school-based services under the Medicaid certified school match program.
- Requires AHCA to assign Medicaid recipients who are currently in a Medicaid managed care plan and who do not make a choice of a plan during enrollment or at the point of eligibility redetermination into the most appropriate reform plan operated by the recipient's current managed care plan.
- Requires AHCA to notify the Legislature of any proposed changes to the special terms and conditions of the waiver prior to submitting to the federal government and requires AHCA to report to the Legislature any changes approved by the federal government.
- Requires the Secretary of AHCA to convene a technical advisory panel to advise the agency on specified issues related to risk-adjusted rate setting, benefit design, and choice counseling.
- Provides limited risk corridor and two year phase-in of capitation rates in the pilot areas with exception for managed care plans offering benefits exclusively to high-risk, specialty populations.
- Requires certification by an actuary and approval by the federal Centers for Medicare and Medicaid Services prior to implementation of risk-adjusted rates.
- Defines "capitated managed care plans" and includes Children's Medical Services Network in the definition.

- Specifies legislative intent that, if any conflict exists between the statutory provisions relating to reform and other Medicaid statutes, the requirements of reform prevail. AHCA must report to the Legislature any conflicts identified in implementation of the Medicaid managed care pilot program.
- Requires AHCA to report to the Legislature by April 1, 2006, on negotiations with the federal government regarding low-income pool pre-implementation milestones and to submit quarterly and annually to the Legislature progress reports on reform implementation.
- Requires contracts between state agencies, including state colleges and universities to charge no more than a reasonable percentage for overhead or indirect costs.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HOUSE OF REPRESENTATIVES

Justice Council

**Representative Bruce Kyle, Chair
Representative Carl J. Domino, Vice Chair**

2005 SPECIAL SESSION B SUMMARY OF PASSED LEGISLATION



Claims Committee

**Representative John "Q" Quinones, Chair
Representative Phillip J. Brutus, Vice Chair**

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Claims Committee

SB 12B – Wilton Dedge Compensation

By Webster and others

Tied Bills:

Iden./Sim Bills: HB 47B

Committee(s) of Reference: Judiciary, Ways & Means

Wilton Dedge was released from prison in 2004, after DNA evidence excluded him as the perpetrator of the crime for which he served 22 years in prison. The bill recognizes the Legislature's moral obligation to acknowledge and compensate Wilton Dedge's actual innocence.

The bill appropriates \$2 million to the Department of Financial Services, which will pay the funds to an insurance company selected by Wilton Dedge to purchase an annuity on his behalf. The bill also provides that up to 120 hours of tuition and fees may be waived at any state educational institution, provided that Mr. Dedge meets and maintains the admission requirements defined by the enrolling institution.

The Chief Financial Officer's authority to draw the warrant is premised upon receipt of a release and waiver by Mr. Dedge, releasing the government from any and all present and future claims or declaratory relief, and an order dismissing his current claim with prejudice. Actions to obtain judicial expungement of executive and judicial branch records as otherwise provided by law are not prohibited by the act. The authority of the Chief Financial Officer to draw the warrant expires on March 6, 2006.

The bill provides legislative intent that the act shall not be deemed to waive sovereign immunity, and is intended to be the sole compensation for any and all present and future claims. The bill also acknowledges that it is the Legislature's unique constitutional role to compensate Wilton Dedge, and that compensation is not based on the recognition of any constitutional right or violation.

Lastly, the bill makes an apology to Wilton Dedge on behalf of the state.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HOUSE OF REPRESENTATIVES

State Administration Council

**Representative Donald “Don” Brown, Chair
Representative Ellyn Setnor Bogdanoff , Vice
Chair**

2005 SPECIAL SESSION B SUMMARY OF PASSED LEGISLATION



Ethics & Elections Committee

**Representative Ronald Reagan, Chair
Representative Jennifer Carroll, Vice Chair**

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Ethics & Elections Committee

SB 6B – Lobbying

By Sebesta

Tied Bills: SB 40B

Iden./Sim Bills: HB 63B

Committee(s) of Reference: Ethics and Elections

SB 6B modifies the registration and reporting requirements that govern legislative lobbyists and lobbyists of the executive branch and the Constitution Revision Commission. The bill amends ss. 11.045, 11.40 and 112.3215, F.S., and creates ss. 11.0455 and 112.32155, F.S. Specifically, the bill does the following:

Filing of Compensation Reports

- The bill requires quarterly reporting of compensation received by lobbying firms.
- Compensation reporting would be by total compensation received by the lobbying firm from all principals in the aggregate and by each principal.
- Quarterly reporting ranges for total compensation begin in \$50,000 increments and increase up to the level of \$1 million or more.
- Quarterly reporting ranges for individual principal's compensation would begin in \$10,000 increments, up to \$50,000. Compensation in excess of \$50,000 would be reported to the nearest \$1,000.
- The first compensation reports subject to the bill must be filed by May 15, 2006, for the reporting period January 1, 2006 through March 31, 2006.

No Expenditure Reports

- The bill would prohibit lobbyists and their principals from making *any lobbying expenditures including food and beverages to members or legislative staff*.
- The sole exception would be for floral arrangements and other celebratory items given to members on opening day of the regular session and displayed in chambers.
- Because lobbying expenditures are prohibited under this bill, the requirement for lobbyist expenditure reports was repealed.

Audits and Enforcement

- Lobbying firm compensation reports will be subject to random audits, beginning February 2007.
- 3% of compensation reports will be randomly selected for audit on an annual basis.
- The Joint Legislative Auditing Committee (JLAC) will establish the procedures for random selection.

- The JLAC will also approve a list of no less than 10 state-licensed certified public accountants who will be available to conduct random audits.
- A lobbying firm selected for random audit may choose an auditor from the approved list or the JLAC will appoint one.
- All random audits will be forwarded to the Speaker of the House and Senate President.
- The rules of each house will govern the procedures for review of random audits.
- Any complaints against a lobbyist will be governed by the rules of each house.

Electronic Filing of Compensation Reports

- SB 6B creates ss. 11.0455 and 112.32155, F.S., *effective April 1, 2007*, to require electronic filing of compensation reports.
- The system will be Internet-based and accessible to anyone with Internet access using standard web browsing software.
- The electronic filing system appears to be modeled after the system used by candidates, committees and political parties for filing campaign treasurer's reports, pursuant to s. 106.0705, F.S.

Miscellaneous Issues

- The bill provides the same reporting and enforcement for executive branch lobbyists, except that the random audit reports for these lobbyists are forwarded to the Commission on Ethics.
- There is also a tied public records bill, SB 40B, that exempts the private business records of the randomly selected lobbying firms for purposes of conducting the random audits, and any investigations conducted pursuant to those random audits.
- A person convicted of a felony after January 1, 2006, may not be registered as a lobbyist unless the person:

(1) Has been released from incarceration and any postconviction supervision, and has paid all court costs and court-ordered restitution; and

(2) Has had his or her civil rights restored.

If approved by the Governor, the bill is effective January 1, 2006, except as provided therein.

SB 8B – Elections/In-Kind Contributions

By King

Tied Bills: None

Iden./Sim Bills: HB 61B

Committee(s) of Reference: Ethics and Elections

During the 2005 Regular Session, the Legislature amended section 106.08(6), Florida Statutes, to require that an in-kind contribution to a political party provide a “direct benefit” to the party. See ch. 2005-277, Laws of Fla. (HB 1567). “Direct benefit” is defined as “fundraising or furthering the objectives of the political party.” See s. 106.08(6), F.S.

SB 8B amends section 106.08(6), F.S., to further regulate in-kind contributions to state and county political parties by allowing the chairperson of the party or his or her designee(s) to accept such contributions only following written notice from the donor. The written notice must be signed and dated, and may be provided through an electronic (e-mail) or facsimile message.

The name of the party chairperson’s designee(s) must be on file with the Department of State’s Division of Elections (for state parties) or the county Supervisor of Elections (for county parties), as the case may be. Acceptance by the party must be acknowledged in writing by the party chairperson or designee(s) *before* the contribution is made. The parties must file such acceptances with the Division of Elections, along with their regular quarterly reports of contributions and expenditures. Failure to obtain a written acceptance constitutes rejection of an in-kind contribution by the party.

The bill contains an exception from the prior notice requirement for food and beverages not exceeding \$1,500 in the aggregate, if the contribution of such items is accepted by the party chairperson or designee(s).

Section 106.08(8), F.S., authorizes a civil penalty of twice the amount contributed in violation of the section, including the in-kind contribution requirements described above. This is in addition to any other penalties prescribed by chapter 106, Florida Statutes.

If approved by the Governor, the bill is effective February 1, 2006.

SB 40B – Public-Records & Meetings/Lobbyists**By Sebesta****Tied Bills: SB 6B****Iden./Sim Bills: HB 65B****Committee(s) of Reference: Ethics and Elections**

SB 40B creates a public records exemption for records relating to an audit of a lobbying firm that is lobbying the executive branch or the Constitution Revision Commission. It also creates a public records exemption for records relating to an investigation of violations of the lobbying compensation reporting laws for the executive branch or the Constitution Revision Commission.

Current law provides a public records exemption for records held by the legislative branch of government which, if held by an agency would be confidential or exempt from public records requirements. As such, the public records exemption created by this bill also applies to the same type of record held by the Legislature. Therefore, similar records of the Legislative Auditing Committee are exempt from public records requirements.

SB 40B creates a public meetings exemption for meetings of the Commission on Ethics at which confidential and exempt audit or investigative information regarding a lobbying firm is discussed.

Such records and meetings are closed to the public until the:

- Lobbying firm requests in writing that the records or meetings be made public; or
- Commission on Ethics determines there is probable cause that the audit reflects a violation of the reporting laws.

The bill provides for repeal of the exemption on October 2, 2011, unless reviewed and saved from repeal through reenactment by the Legislature. It also provides a statement of public necessity and a contingent effective date.

If approved by the Governor, the bill is effective January 1, 2006.

Bill	Passed As/In	Council
HB 1B (PCB BR 05B-01)	HB 1B	Commerce Council
SB 2B	HB 3B	Health & Families Council
HB 3B	HB 3B	Health & Families Council
SB 4B	HB 1B	Commerce Council
SB 6B	SB 6B	State Administration Council
SB 8B	SB 8B	State Administration Council
SB 12B	SB 12B	Justice Council
SB 14B	HB 41B	Fiscal Council
HB 15B	HB 15B	Fiscal Council
SB 18B	SB 18B	Commerce Council
HB 29B	SB 18B	Commerce Council
HB 31B	HB 31B	Fiscal Council
SB 40B	SB 40B	State Administration Council
HB 41B	HB 41B	Fiscal Council
HB 47B	SB 12B	Justice Council
HB 61B	SB 8B	State Administration Council
HB 63B	SB 6B	State Administration Council
HB 65B	SB 40B	State Administration Council